

Message Text

SECRET

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50

ACTION IO-13

INFO OCT-01 EUR-25 EA-11 NEA-10 ADP-00 SSO-00 CCO-00

NSCE-00 USIE-00 INRE-00 CIAE-00 DODE-00 PM-09 H-02

INR-09 L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-14

COA-02 EB-11 OIC-04 ACDA-19 AEC-11 AECE-00 AGR-20

CG-00 COME-00 DOTE-00 FMC-04 INT-08 JUSE-00 IOE-00

NSF-04 OMB-01 TRSE-00 SCI-06 CEQ-02 EPA-04 RSR-01

AID-20 AF-10 ARA-11 /250 W
----- 022402

O 261544 Z MAR 73

FM AMEMBASSY MADRID

TO SECSTATE WASHDC IMMEDIATE 5390

INFO AMEMBASSY ATHENS IMMEDIATE

AMEMBASSY NICOSIA IMMEDIATE

AMEMBASSY MANILA IMMEDIATE

AMEMBASSY LONDON IMMEDIATE

USMISSION USUN NEW YORK IMMEDIATE

S E C R E T MADRID 1559

E. O. 11652: GDS

TAGS: PBOR, UN, SP

SUBJECT: LOS: STRAITS STATES PROPOSAL

REFS: (A) STATE 54975; (B) USUN 1037

1. EMB POL CSLR DISCUSSED SUBJECT REFTELS WITH MFA
DIRECTOR GENERAL POLITICAL AFFAIRS MORNING OF MAR 26
AND LEFT WITH HIM EMBASSY NOTE WHICH MADE POINTS OF (A)
VITAL INTEREST OF COUNTRIES WITH DEFENSE RELATIONSHIP WITH
US IN MOBILITY OF US MILITARY FORCES AND (PURSUANT PARA 2
REF A) OF INADEQUACY OF ASSURANCES BY SUCH COUNTRIES THAT
THEY WOULD TAKE CARE OF US INTERESTS; (B) SUBJECTIVE NATURE
OF INNOCENT PASSAGE DOCTRINE AND ITS SUSCEPTIBILITY TO
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ABUSE (AS INDICATED PARA 3(A) REF B); AND (C) BASIC IMPORTANCE OF US OBJECTIVE OF FREE TRANSIT (AS INDICATED PARA 3(B) REF B).

2. MFA OFFICIAL CONFIRMED THAT SPAIN AND OTHER STATES WERE PREPARING SUBMIT DRAFT LOS ARTICLES IMMINENTLY. RESPONDING GENERALLY TO PRESENTATION BY EMBOFF AND IN EMBASSY NOTE, HE STATED THAT, IN SPANISH VIEW, GENERAL ACCEPTANCE OF INNOCENT PASSAGE DOCTRINE WAS IN INTEREST NOT ONLY OF COASTAL STATES, WHO OF COURSE WISHED TO PROTECT THEIR TERRITORY FROM CONSEQUENCES OF DANGEROUS PASSAGE, BUT OF ALL POWERS SINCE PROPOSAL WOULD PROVIDE FOR INTERNATIONAL REGULATION OF RIGHTS OF COASTAL STATES; AT PRESENT, COASTAL STATES WERE TAKING WHATEVER ACTION THEY WISHED. AS FOR ARGUMENT RE SUBJECTIVE NATURE OF INNOCENT PASSAGE DOCTRINE, HE ADDED, SPAIN RECOGNIZED THE NEED FOR COASTAL STATES TO ACCEPT STRICT ADHERENCE TO INTERNATIONAL STANDARDS WHICH WOULD PRECLUDE UNILATERAL INTERPRETATIONS.

3. EMBOFF REITERATED THAT FREE TRANSIT WAS OF FUNDAMENTAL IMPORTANCE TO US AND NOTED THAT APPLICATION OF INNOCENT PASSAGE DOCTRINE WITH 12- MILE TERRITORIAL SEA WOULD STILL ADD LIMITATIONS TO MOBILITY THROUGH MAJOR WORLD STRAITS AND BE SUBJECT TO UNILATERAL ABUSE. THE MFA OFFICIAL THOUGHT THAT US CONCERN RE POSSIBLE EFFECTS OF STRAITS STATES PROPOSALS MIGHT BE OVERDRAWN. HOWEVER , HE PROMISED THAT THE EMBASSY NOTE WOULD BE CAREFULLY STUDIED BY MFA OFFICIALS CONCERNED AND BE BROUGHT TO THE ATTENTION OF THE FOREIGN MINISTER FOLLOWING THE MINISTER' S VISIT TO MOROCCO TODAY.

4. COMMENT: GOS IS PROBABLY A LEADING INSTIGATOR OF STRAITS STATES INITIATIVE AND IS NOT LIKELY TO BE DISSUADED FROM ITS PRESENT COURSE BY EMBASSY DEMARCHE. LOS WOULD BE APT SUBJECT FOR SECRETARY TO RAISE WITH FOREIGN MINISTER LOPEZ DURING LATTER' S VISIT TO WASHINGTON ON APRIL 10-11.
RIVERO

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*** Current Classification *** SECRET

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